ADMIRAL *MATHEWS's*

CHARGE

AGAINST

VICE-ADMIRAL *LESTOCK*

Diſſected and Confuted.

[Price One Shilling.]

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VICE-ADMIRAL *LESTOCK*

Diſſected and Confuted.

Let him————
Submit his actions to the publick cenſure,
And ſtand the judgment of a ROMAN ſenate:
Bid him do this, and CATO is his friend,
Nay more, though CATO's voice was ne'er employ'd
To clear the guilty, and to varniſh crimes,
Myſelf will mount the Roſtrum in his favour,
And ſtrive to gain his pardon from the people.

ADDISON'S CATO.

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ADMIRAL *MATHEWS*'s

CHARGE

AGAINST

VICE-ADMIRAL *LESTOCK*

DISSECTED.

I Shall the more readily confine myſelf within the bounds of Mr. Mathews's accuſation, as the enquiry into this important affair cannot be thought to end in Mr. Leſtock's trial, for whatever ſatisfaction it may give an injured nation with regard to his innocence or guilt, even the latter ſhould it appear cannot juſtify and abſolve, every other officer concerned, unleſs it could be preſumed, which hardly I believe, his accuſer himſelf will venture to affirm, that in his conduct alone (even ſuppoſed to be bad) is involved this general evil and national diſappointment, now the ſubject of an enquiry.

But to proceed, Mr. Mathews's charge is contained in the queries ſent to Mr. Leſtock, and his reply to Mr. Leſtock's anſwer to thoſe queries, together with the addition of one more article ſince his arrival in England: This charge begins the 10th of February at night when the fleet brought to, which is the 11th by the cuſtom at ſea, and it ends when firing ceaſed next night. Therefore I ſhall only ſpeak to what happened within that time.

In order to come directly to the point, I have divided the charge againſt Mr. Leſtock into ſix different parts. Hence I propoſe anſwering each different part before I proceed to another part of the accuſation. For example, the firſt three queries with the firſt query in Mr. Mathews's replies to Mr. Leſtock's anſwers leading to the ſame purport, for the ſake of order and clearneſs, as well as their connection with one another, I will join together, and anſwer accordingly in this manner through the whole charge againſt Mr. Leſtock.

Firſt part of the charge againſt Mr. Leſtock.

The firſt query.

First part of the charge againſt Mr. Leſtock.

'Did you not ſee the ſignal out for the line 'of battle when I made the ſignal for bringing 'to?'

Second.

'Was it not your duty to have brought to 'in the line of battle, agreeable to the ſignal then 'out?'

Third.

Third.

'Your reaſon for bringing to, with your Di-
'viſion, at leaſt five miles to windward of me,
'the doing of which you muſt know would
'make you be (as the wind was then) that diſ-
'tance a-ſtern of me, as you was when we made
'ſail?' ——

The firſt query and paragraph in his replies to my anſwers, viz.

'By the Namur's log book the wind was
'at E. N. E. when we brought to the 10th of
'February; and from ten o'clock that night
'to fix the next morning, from the N. E. by
'N. to N. E. Query, whether you ought not
'to have kept the line, notwithſtanding the
'alteration of the wind, ſince it was in your
'power to have done it, inſtead of being, at
'break of day, full five miles in the winds
'eye of me; conſequently ſo many miles a-
'ſtern, when I made ſail, which is notorious
'to the whole Fleet?' ——

Firſt Part of the Anſwer.

It is extremely ſurpriſing that Mr. Mathews ſhould aſk the Vice-admiral if he ſaw the ſignal out for the line of battle on board of him, when he found it to be ſo dark as to be obliged to make the night ſignal for the fleet to bring to on the larboard tack, which ſignal the Vice-admiral repeated, and agreeable to which he brought to. What room this gentleman can have for putting this queſtion to him, at the ſame time

that he alledges him to be at leaſt five miles off, let the world judge. As to reaſon and argument they have had little Influence over Mr. Mathews, wherein the Vice-admiral was concerned, and therefore it may be ſuppos'd, that, becauſe Mr. Leſtock was an inferior Flag-officer, and under Mr. Mathews's command, he thought he had a right to aſk or ſay any thing, however inſignificant or void either of reaſon or argument. What could poſſibly carry the Admiral ſo great a diſtance from the Vice-admiral as five miles? By looking over the log book, it could only be two or three hours ſail, with a ſmall breeze of wind, almoſt calm and a very ugly ſea againſt him*. If this was poſſible, (which we deny) the Admiral hereby impeaches his own conduct, as he does not charge Mr. Leſtock with loitering, or any miſconduct before bringing to. By this he confeſſes himſelf to be raſh and inconſiderate enough, without the leaſt regard to diſcipline, and his own order, the ſignal for the line of battle flying to go down in confuſion upon an enemy formed in perfect order of battle, by leaving ſo great a part of his ſtrength, as the Vice-admiral's diviſion, five miles a-ſtern of him, with very little wind and a great ſwell. —— And divided ſo great a diſtance as five miles, according to Mr. Mathews's charge, he would have the Vice-admiral ſee a day-ſignal out for the line of battle in the dark, at a time when he made the night-ſignal for bringing to. —— How preposterous and unreaſonable, how contrary to the nature and reaſon of things, and common ſenſe, are the queries ſtated?

* Having layn to on the larboard tack till three o'clock. See log-book.

But

But as the Vice-admiral ſaw Mr. Mathews make the night-ſignal, and bring to, it cannot be denied, but that Mr. Mathews ſaw and heard Mr. Leſtock repeat it after him, and conſequently he muſt ſee by Mr. Leſtock's lights when he brought to with his diviſion. —— Is it reaſonable or poſſible then that he would ſuffer him to bring to at that diſtance from the center by which Mr. Mathews riſked his own honour, and the nation's ſafety upon very unequal terms, merely becauſe he ſhould have it in his power to reprimand and beſpatter Mr. Leſtock ?—— The three principal qualifications of an officer, are, firſt, to quarter his men, clear his ſhips, and put them in the beſt condition of annoying the enemy and defending themſelves ; the ſecond, to diſpoſe the fleet in a proper order for action ; and the third, to lead them on with intrepidity ; which is meant a cool courage in the commander, and in the ſubordinate officers a bold execution of the orders they received. Agreeable then to the ſecond of theſe qualifications, had Mr. Leſtock brought to ſo far to windward, or ſo great a diſtance from Mr. Mathews, as he ſays, would not he, in a caſe where he could not help ſeeing him, as much as Mr. Leſtock ſaw him, where not only the fate and liberties of his country depended, but all Europe, have immediately ſent to Mr. Leſtock to correct and reform his miſconduct, particularly an abuſe of that dangerous conſequence ? After theſe obſervations there does not ſeem to be the leaſt circumſtance of truth, or probability in this part of the charge againſt Mr. Leſtock.

As Mr. Mathews had neglected appointing a ſignal in the night for the line of battle, perhaps ſuch an overſight, of ſo evil a tendency, made him the more ſanguine in his expectations, that Mr. Leſtock ſhould ſee a day-ſignal for that purpoſe

flying

flying abroad in the dark night. But the weakneſs and inconſiſtency of this charge are made more manifeſt and plain, by conſidering the tenor of the night-ſignal he made for bringing to, which was the ſeventh inſtruction in the ſignals to be obſerved in ſailing in the night.

Signals by night.

Seventh.

To bringto, and lie by, after ſailing large, or before the wind.

'When the fleet is ſailing large, or before the wind, and the admiral would have them bring to, and lie by, with their ſtarboard tacks aboard, he will put abroad four lights in the fore-ſhrowds, and fire ſix guns; but if with the larboard tacks aboard, eight guns; which is to be anſwer'd by the flag-ſhips of the fleet: and every private ſhip is to anſwer with four lights (it being the ſame that is in the fourth article for bringing to in a fog) and the windwardmoſt ſhips are to bring to firſt.'

This ſignal is a full juſtification of Mr. Leſtock's bringing to, even ſuppoſing he had been really the diſtance from Mr. Mathews that he alledges; becauſe this inſtruction abſolutely requires the windwardmoſt ſhips to bring to firſt; and it cannot be ſaid that the laſt ſignal is not to be complied with, admitting it was in contradiction to a ſignal made before, or the ſignal for the line of battle, when it was ſeen flying.——But notwithſtanding it was impoſſible for Mr. Leſtock to ſee any other ſignal than the night-ſignal to bring to, he was actually in the line of battle with Mr. Mathews when he brought to, within three miles of the enemy, who bore away and edg'd from him the moment he brought to, and that he could not go nearer to them, unleſs he had broke the line of battle, or the Admiral had given

given him orders to chace and engage the enemy.—— At dawn of day Mr. Leſtock finding himſelf a greater diſtance from Mr. Mathews, as well as the enemy, than he was at night, he made ſail, and by that time the Admiral made the ſignal for the fleet to make ſail, he was near being a-breaſt of him. The difference in the diſtance between night and morning, was occaſioned by a ſhift of wind, and being within the eddy or indraught of the iſlands, while Mr. Mathews was in the offing, in the power of the current.

And to omit no circumſtance that may enforce Mr. Leſtock's innocence to the conviction of the world, Mr. Mathews made the ſignal in the morning for him that commands in the third poſt to make more ſail, before he made the ſignal for him that commands in the ſecond poſt to do the ſame; and Lieutenant Thomas Knowler told Mr. Leſtock on the Neptune's quarter-deck that the Admiral was very uneaſy that the Rear-Admiral did not make more ſail with his diviſion, and get into the line of battle; an inconteſtable proof that he thought the Rear-admiral a greater diſtance from him than Mr. Leſtock was: and notwithſtanding he ſent the Vice-admiral a meſſage by Lieutenant Jaſper, his Lieutenant, that he would lay by him until he could get up to cloſe with him, yet in ſuch a good ſailing ſhip, as the Namur was well known to be, he made more ſail, leaving Mr. Leſtock a greater diſtance a-ſtern: and, in ſhort, by his impatience and unfixed reſolution, not knowing his own mind, he himſelf alone occaſioned what he lays to Mr. Leſtock's charge, while in his courſe he near'd the Rear-admiral in the Barfleur, which ſhip was almoſt as foul as the Neptune, being near three years and a half without docking or careening.

I am

I am the more particular in this undeniable circumſtance of the Rear-admiral's being a greater diſtance from the Admiral than the Vice-admiral, that it may ſerve to prove the great hurry and haſte that the Chief made down upon the enemy in confuſion, without allowing a ſufficient time for the fleet to form into a line of battle; the center making too much ſail for the wings, or the van and the rear of our fleet. And as the Rear-admiral's diſtance was greater than Mr. Leſtock's from Mr. Mathews, with great juſtice it may be obſerved, that Mr. Mathews was blind and partial to the Rear-admiral's faults, while he was a ſevere ſcourge and cenſurer of Mr. Leſtock's actions, though regular and conſiſtent.——We cannot let this obſervation eſcape, that Mr. Leſtock may not fall a ſacrifice to the notorious blunders and miſconduct of others, and thereby his condemnation draw a veil over their guilt.

The next part of the charge againſt Mr. Leſtock is the beginning of the fourth query, which for the ſake of it's connection with the ſecond paragraph of the Admiral's replies to Mr. Leſtock's anſwers to thoſe queries, I ſhall join together; and continue the method I have begun.

Second part of the charge againſt Mr. Leſtock.

The beginning of the fourth query, viz.

Second part of the charge againſt Mr. Leſtock.

'Did you not ſee the ſignal made by me to engage the enemy? your reaſon for not repeating the ſaid ſignal?'

Second paragraph in Mr. Mathews's replies, viz.

'It's true, that the thirteenth article of the fighting inſtructions does not mention that the ſignal for engaging the enemy ſhall be repeated by the other flag-officers; but I have reaſon to believe

'believe, that every Captain in your diviſion, for 'want of your having repeated it, as Rear-ad-'miral Rowley did, judged he was to keep the 'line, and not to make ſail a-head of you, in or-'der to engage; which many of them could 'have done, had they not expected your repeat-'ing the ſignal.'

Second part of the anſwer.

Second part of the anſwer.

It is neceſſary to premiſe, that Mr. Leſtock is held guiltleſs, from the time of his bringing to at night, to the time that the Admiral made the ſignal to engage the enemy, which was between ten and eleven o'clock in the forenoon.

Mr. Leſtock acknowledges, that he ſaw him make the ſignal to engage the enemy, and upon hearing his firſt Lieutenant order the ſignal-men up to repeat it, he forbid him, from his knowledge and experience that this ſignal is not to be repeated; as may be proved by the words of the thirteenth article of the fighting inſtructions: viz.

13.

'As ſoon as the Admiral ſhall hoiſt a red flag 'on the flag-ſtaff at the fore-top-maſt head, and 'fire a gun, every ſhip in the fleet is to uſe their 'utmoſt endeavour to engage the enemy, in the 'order the Admiral has preſcribed unto them (and to this article Mr. Mathews made a manu-ſcript addition, viz.) 'and ſtrictly charged to 'take care not to fire before the ſignal be given 'by the Admiral.'

Which article leaves no room for its being repeated; for where repeating is neceſſary, every article expreſſes it ſhall be repeated. And as Mr. Leſtock has been in two general battles, he affirms that the ſignal for battle was not repeated in

either. In that off Malaga, he was Lieutenant to the Admiral of the White, who did not repeat it, nor did any other flag ſhip, either Engliſh or Dutch.

The Rear-admiral's repeating this ſignal contrary to the tenor of this article, and all precedent from our predeceſſors, was no precedent to the Vice-admiral; neither does reaſon oblige him to anſwer for the expectations of the Captains of his diviſion, when they are ſo unjuſtly grounded, and ſo inconſiſtent with diſcipline and ſervice. But one would have imagined that if Mr. Mathews had intended this ſignal ſhould have been repeated, that while he made the manuſcript addition to this very article, viz. 'And ſtrictly charged 'to take care not to fire before the ſignal be giv-'en by the Admiral,' that he would have then ordered the repetition of it by all flag officers. By this addition he made, it is manifeſt that he had ſeen and read this article; and ſince he had the pen in his hand, why did he not go farther on, and give Mr. Leſtock authority and inſtruction to do that which he thought ſo neceſſary? For had he repeated it without, and the Rear-admiral had forbore, and followed the dictates of diſcipline and ſervice, we cannot help believing his accuſer would have made this a more plauſible and effectual charge againſt him, and from his miſapprehenſion and blundering, drawn conſequences againſt him much better for his purpoſe, than thoſe he has inferred.

But the extraordinary ſtreſs that is laid upon this ſuppoſed neglect of the Vice-admiral is very aſtoniſhing, as the Admiral alledges, that it hindered the ſailing ſhips of Mr. Leſtock's diviſion from making ſail a-head of him, in order to engage, and forced them to keep the line.

What,

What, would Mr. Leſtock's repeating this ſignal have given them authority to break the line, and go a-head of him? If there is a man in being but himſelf that could make ſo ridiculous a conſtruction, I ſhould be tempted to give up the Vice-admiral's cauſe, juſt and honeſt as it is, and will appear to be. Whatever the Captains of his diviſion might crudely expect and ſuggeſt, whatever might be Mr. Mathews's ſenſe and conſtruction of this ſignal, when he found himſelf fruſtrated, baffled, and diſappointed, and the enemy eſcaped at ſo eaſy a rate, which would infallibly fling an injured nation's odium upon the perſons, who by their ill conduct any ways contributed to ſo great a failure: hitherto we are perſuaded, in defiance of malice and aſperſion, that diſcipline and ſervice, and duty to his King and country, have been the conſtant rule and guide of the Vice-admiral's conduct. Though Mr. Leſtock's apprehenſion may not be ſo ſhrewd and penetrating as Mr. Mathews's, yet we may promiſe ourſelves the ſanction of every experienced officer for what we venture to affirm with regard to the real meaning of this ſignal and inſtruction, viz. that as ſoon as it appears abroad it is not a juſtification, or an authority to an officer to break the line, while the ſignal for the line of battle is kept out, and to engage the enemy in diſorder and confuſion. Common ſenſe and reaſon, with the conſtruction that the expreſs words of this very article will bear, teach, that it binds every officer to engage the enemy in the order the Admiral has preſcribed unto them.——What order elſe but that of the line of battle is here meant? Would then the Vice-admiral's having repeated this ſignal authoriſed the Captains of his diviſion to have acted contrary to the tenor of this inſtruction, in contradiction to the ſignal for the line of

battle then flying; alſo in contradiction to the 21ſt and 24th articles of the fighting inſtructions, *viz.*

Twenty firſt.

'None of the ſhips in the fleet ſhall purſue 'any ſmall number of the enemies ſhips till the 'main body be diſabled or run.

Twenty fourth.

'No ſhip in the fleet ſhall leave her ſtation 'upon any pretence whatſoever.' *&c. &c. &c.*

Never before was a ſignal made to engage the enemy, before the fleet were formed in a diſpoſition of battle, according to the ſignal for the line. In the battle of Malaga, Sir George Rook did not make this ſignal before he was within gunſhot of the French Admiral; in the battle of Beachy-head, it was not made till juſt before the action began, long after the fleet had been drawn into a proper order of battle. Though we had the ſuperiority of 36 ſail of the line of battle, in the battle of La Hogue, yet that great officer Admiral Ruſſel, a true pattern of diſcipline and knowledge, who enlightned us by farther introducing and maintaining naval exerciſes, in the art of ſhip fighting, who always held order as an indiſpenſable leſſon, and capital inſtruction to ſucceſs and victory; though he had lain long in perfect order of battle ready to receive the French, yet upon obſerving Monſieur Tourville had put out his ſignal for battle, he commanded that his ſhould not be ſpread untill the French (who had the weather-gage) were come as near as they thought convenient, which was within three quarters muſket ſhot. And indeed in all the battles that ever were ſeen, heard, or read of, the ſame caution and circumſpection were ob-

ſerved, if the Admiral who commanded was an officer of common experience and judgment, But againſt theſe excellent rules of war and prudence, Mr. Matthews himſelf, a ſufficient precedent to make theſe obſolete, made this ſignal three hours before action, while the fleet, ſo far from being in a line of battle, were in the greateſt confuſion and diſorder, going down upon an enemy who was in perfect order, ſtretching to the Southward, and agreeable to what I aſſert for the better information of the reader, I refer him to N°. 1. of the ſituation and views in the late engagement near Touloun, of his Majeſty's fleet and thoſe of France and Spain.

Third part of the charge.

Third Part of Admiral Mathews's charge againſt Mr. Leſtock.

This part of the charge againſt Mr. Leſtock, according to the method I have followed for clearneſs, is compoſed of part of Mr. Mathews's fourth query, and the next part of his replies to that we have already anſwered, which have a connection with one another, and are as follow.

Admiral Mathews's charge againſt Mr. Leſtock.

Part of the fourth query.

Part third.

'Your reaſon for not endeavouring to cut off 'the four ſternmoſt ſhips of the enemy, and for 'not making the ſignal for any of your diviſion 'to perform that ſervice; eſpecially as you had 'clean ſhips in your diviſion;

Part of the Admiral's replies.

'Query, why did you not ſet your ſtudding 'ſails, and order the ſailing ſhips of your diviſion to mak ſail, and engage the four ſternmoſt 'ſhips of the enemy, particularly the Elizabeth, 'Buckingham, and Revenge? And why did you 'ſuffer any of your diviſion to ſhorten ſail? You 'ſay, that the Cambridge and Dunkirk would have

'made

'made more ſail, and engaged the four ſternmoſt 'ſhips; and that you fired a ſhot at the Dun-'kirk, and made her commander's ſignal, but '* all to no purpoſe; †(for that he ſtill kept to 'windward of you, as did the Cambridge alſo?) 'And why did you not ſend your Lieutenants to 'command thoſe two ſhips, when you judged 'their commanders did not do their duty, and 'you muſt have ſeen that the ſervice ſuffer'd by 'their ill behaviour? Surely it would have been 'right to have done ſo, and I ſhould have 'thank'd you heartily for it; for in the ſituation 'I was I could not poſſibly ſee what was doing 'a-ſtern of me. You are pleaſed to ſay, that 'you fired a broadſide at the four ſternmoſt 'ſhips, and that the enemy returned it: I take 'it for granted, that you judged yourſelf with-'in gunſhot of them, elſe you would not have 'fired; though it ſeems all your ſhot fell ſhort 'of them.'

Third part of the ANSWER.

Third part of the anſwer.

It was impoſſible for Mr. Leſtock to make more ſail than he did; and it cannot be denied that Lieutenant Jaſper came on board from the Admiral, and told him on the quarter-deck, that he was ſent to tell him that the Admiral would lay by, until his diviſion got up to cloſe with him. But upon Mr. Leſtock's obſerving that the Admiral inſtead of doing ſo, was rather making more ſail from him, Mr. Jaſper replied, that he ſaw the ſame ſoon after he put off from the Namur, yet however he thought it his duty not to return back on board before he had delivered the Admiral's meſſage.—And as an unqueſtionable proof that Mr. Leſtock had all his ſail abroad, when Lieutenant Knowler of the Namur, who

* The word (all) is not in Mr. Leſtock's anſwer.

† (nor) for that he ſtill kept to windward of you, as did the Cambridge alſo.

ſoon

ſoon followed Mr. Jaſper, told him on the Neptune's quarter-deck, that he was come from the Admiral, to deſire him to make more ſail.—— He bid him look aloft, and ſee whether it was in his power to make more ſail, every thing being then abroad. And, having obſerved, that according to the line of battle, the Royal Philip, the Spaniſh Admiral, muſt be the ſhip he took up, Mr. Knowler anſwered, that the Admiral had told him ſo.——Theſe words of Mr. Knowler's induced Mr. Leſtock the more ſtedfaſtly to believe, that the Admiral's deſign was to engage the enemy, agreeable to the ſignal for the line of battle then flying. And as a clear circumſtance he expected no other than to engage the Royal Philip, having obſerved ſix ſhips of the enemy a-ſtern of her, and the ſternmoſt ſhip much the largeſt, which he took to be the Iſabella of eighty guns, and having but only four ſhips in the line of battle a-ſtern of him, viz. the Ruſſel, Buckingham, Elizabeth, and Revenge, in order to make himſelf more upon an equality with the enemy, he ordered the three fifty gun ſhips that were under his direction to do what they could. The Romney to fall in between the Elizabeth and Buckingham, and the Nonſuch and Oxford to aſſiſt the Revenge, being his ſternmoſt ſhip. Whatever contemptible notions others might have of the enemy, nothing appeared but order and diſcipline throughout their fleet; and from their readineſs, their behaviour and manner of acting from the beginning, giving us battle ſeemed to be their real intention; and ſurely it cannot be doubted but that they came out for that very purpoſe. They were well formed, and ſo far from the appearance of runaways (which would be ridiculous, as well as falſe to ſay) they continued their courſe to the ſouthward, endeavouring

vouring to gain the wind of us.——They ſaw Mr. Mathews make the ſignal for battle, when we were in confuſion and unformed, at leaſt, by the Admiral's own aſſertion, Mr. Leſtock's diviſion a great diſtance from the center, which proceeded from his great hurry and impatience, contrary to the meſſages ſent to Mr. Leſtock. In ſhort, our ſhips were wide extended and ſtraggled, yet ſtill bearing down in a dangerous ſecurity upon them, whereby it ſoon became impracticable for us to keep the wind of the enemy, conſidering the foulneſs of our ſhips, and at the ſame time to have room to form in good order before action, unleſs we had immediately haled our wind to gain time for that purpoſe. From every circumſtance it appears, that the enemy's deſign was either to draw us on to fight at a diſadvantage upon unequal terms, or that of gaining the wind of us, to have uſed their fireſhips more effectually upon us than we did ours upon them.—If Mr. Leſtock miſbehaved the night before in bringing to, as he is not accuſed till between ten and eleven o'clock next forenoon, and then for not repeating the ſignal for battle, as he made all the ſail he could in the morning, it is evident the Admiral's own conduct made the diſtance between the center and rear ſtill greater and more dangerous. Is Mr. Leſtock to anſwer for his raſhneſs then? God forbid; could his former ſuppoſed neglect at night, empower Mr. Mathews in the morning to act ſo inconſiderately, ſo oppoſite to policy, and the art of war, the nation's ſafety and glory?

Mr. Mathews, eager as he may be to condemn Mr. Leſtock's conduct, will not, I believe, ſay, that he could have taken upon him to make any alteration in the line of battle, as by ſignal abroad, before the time he bore down upon the Royal Philip,

Philip, when he neither knew nor ſaw that he intended to attack the Spaniſh ſquadron; which, according to the line of battle, ſhould have fallen to Mr. Leſtock's ſhare, as well as what Lieutenant Knowler had told him, with regard to his engaging the Spaniſh Admiral. If he could not then before half an hour paſt one, the time the Admiral bore down upon the enemy, order the clean ſhips of his diviſion, viz. the Buckingham, Elizabeth, and Revenge, to go a-head of him, in order to cut off the four ſternmoſt ſhips of the enemy, where there were ſhips enough already poſted by the line of battle, more than ſufficient to cope with all the Spaniſh ſquadron, it was to no purpoſe his ordering them after the action began; for even had he been inconſiderate enough to undertake what he could not anſwer, to direct theſe ſhips going a-head of him, in breach of the Admiral's order, which by ſignal was conſpicuouſly flying, it was impracticable for them to obey and execute this order, conſidering their diſtance a-ſtern of him, the little wind, and the greatneſs of the ſwell, which was ſo large, that the lower deck ports could not be kept open.

And in ſupport of this truth, it will appear by ſhips logs, that all the forenoon, till juſt before the engagement began, the ſhips in Mr. Leſtock's diviſion went between three and four knots every hour, but from half paſt one to five, no leſs than three hours and a half, the wind having declined ſo much, and the ſwell being ſo very high, that they did not in all that time go above four miles and half. What will ſerve to corroborate this truth, and enforce it to the conviction of the world, beyond the leaſt doubt and contradiction, is the little diſtance we gained in our afternoon's ſail upon the Marlborough, which ſhip

was all that time in action, loſt her maſts, and could not be ſuppoſed to go any thing a-head. And as a farther proof, the Ruſſel, always eſteemed a good ſailing ſhip, not above eight months from being clean'd, had every ſail ſet, but could not, before the fireſhip blew up, get up to cloſe with Mr. Leſtock.—— Let the reader weigh well theſe circumſtances, and judge the poſſibility of theſe three ſhips, ſtation'd a-ſtern of the Ruſſel in the line of battle, getting a-head of Mr. Leſtock, to execute what his commanding officer expected of him, contrary to the ſignal abroad, becauſe he failed, and was inglorioufly diſcomfited. There were five ſhips of the line of battle a-ſtern of Mr. Leſtock all the afternoon, as the Torbay, with all her endeavours, and ſail abroad, could not get into her ſtation a-head of the Neptune. I muſt obſerve then, as the ſtrongeſt proof of what I aſſert, one ſhip with another of theſe five, were at leaſt half a mile from each other, when the engagement began. According to this calculation, the ſternmoſt ſhip, the Revenge, muſt have been two miles and a half a-ſtern of Mr. Leſtock, the Elizabeth two miles, and the Buckingham one and a half: was it poſſible then for the Buckingham to gain of Mr. Leſtock, in little more than four miles ſailing, a mile and a half, the Elizabeth two miles, and the Revenge two and a half, though theſe diſtances gained of him, would have only made them a-breaſt of him, who could not reach the ſternmoſt ſhip of the Spaniſh ſquadron?

The ſtudding ſails of the Neptune were kept abroad as long as they really did any ſervice; and the occaſion of their being haled down was the Torbay being a-ſtern of her, out of her ſtation; which ſhip, with all the ſail ſhe could crowd, could never get into it: and as the Neptune was

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remarkable for pitching exceſſively in a ſwell, which Mr. Leſtock had fatally experienced in the loſs of her maſts in her paſſage from England, had they been ſet again, without regarding the Torbay, they could have been of no other ſervice than to have ſilenced the malice and detraction of this charge; and by their flapping to and fro the maſt would have been endangered; as Mr. Leſtock can prove that, upon this account alone, he had ſeveral applications made to him by the officers, before they were haled down.———Neither are theſe troubleſome ſails altogether ſo proper to engage with; the old practice having been to furl the mainſail, to prevent firing the ſhip.

It did not appear to Mr. Leſtock that the ſhips of his diviſion a-ſtern of him ſhortened ſail; and where he could not ſo well diſtinguiſh himſelf, his officers on whom he could depend frequently informed him of this truth. It is evident, that the Torbay and Ruſſel continued all their ſail abroad, and if the other three ſhips, viz. the Buckingham, Elizabeth and Revenge, did ſhorten ſail at times, to keep in the order of battle, according to the line, contrary to his obſervation and his officers (as they might poſſibly, without their ſeeing them, as we were in the line of battle, conſequently the Torbay and Ruſſel right a-ſtern of the Neptune, an obſtruction to their ſight) yet nevertheleſs Mr. Leſtock had no authority to alter Mr. Mathews's diſpoſition. The twenty-fourth article of the fighting inſtructions injoins every ſhip to keep her ſtation; and that, nor no other, impowers an inferior flag officer to direct any breach of it, upon any pretence whatſoever; while the commanding Admiral keeps abroad the ſignal for the line, and does not make the ſignal for that flag officer and his diviſion to give chace to the enemy. Had Mr. Leſtock done this againſt

the rules of prudence and diſcipline (the twenty-firſt and twenty-fourth articles of the fighting inſtructions) without authority, or regarding his own ſafety, under a man who has proved ſo ready and eager to condemn him, the reaſons and circumſtances I have already mentioned make it clear and obvious that it could have anſwered no other purpoſe than falling into confuſion by ſeparating from the center his diviſion to leeward, without the poſſibility of coming near enough, even to the ſternmoſt ſhip of the enemy, to do any real ſervice, had ſhe or they kept afore the wind. Had Mr. Leſtock chaſed ſo unthinkingly with his diviſion, and in the mean time the French had made a proper uſe of his indiſcretion, by coming upon Mr. Mathews and Rear-admiral Rowley, when he could not have got to windward again, who would not have blamed him? I am ſure Mr. Mathews himſelf would not have thought his conduct juſtifiable to have done this without a ſignal; he indeed would have been glad of ſuch an opportunity and ſo fair a ſubject to have impeached his conduct, and veil'd over his own; this would have been catching him in an egregious ſnare; it would have been erring with his eyes open; and then indeed with great juſtice and propriety, Mr. Mathews might have retorted upon him (as he has done in the ſucceeding part of his replies, yet unanſwered) that had he judged proper for him to have acted in this manner, there was a proper ſignal to be made for that ſervice by the commanding officer, and agreeable to which the twenty-ſeventh of the fighting inſtructions is very explicit, viz.

Any particular flag ſhip, with his ſquadron or diviſion to chaſe.

Twenty-ſeventh.

'If the Admiral would have any particular flag ſhip and his ſquadron or diviſion give chace

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'to the enemy, he will make the ſame ſignal that 'is appointed for that flag ſhip's tacking with his 'ſquadron or diviſion, and weathering the ene-'my.'

The ſhips of Mr. Leſtock's diviſion a-head of him were the Cambridge and Dunkirk, both which ſhips could have made more ſail, but they kept to windward of him, particularly the Dunkirk; and though there was but very little wind with a great ſwell, yet as they ſailed well, it was his opinion, that they (with the ſhips, viz. Dorſetſhire, Eſſex, Royal Oak, and Rupert, a-ſtern of the Marlborough, that were throwing their ſhot away at a great diſtance, while ſhe was torn to pieces by the Spaniſh Admiral's ſecond, a-ſtern of him) might have ſtopt thoſe four ſhips of the enemy, until Mr. Leſtock and his diviſion got up, therefore he fired a ſhot to windward of the Dunkirk and Cambridge, and at the ſame time made the Captain of the Dunkirk's ſignal, but to no purpoſe.

The Cambridge was not ſo far to windward of him, as the Dunkirk, therefore the captain's ſignal was not made; and at that time he apprehended the firing a ſhot to windward of them, would be a ſufficient check to both captains, eſpecially to ſo old an officer as captain Drummond is, being near thirty three years a commiſſion officer. But it has been alledged and pleaded in defence of thoſe two ſhips, though they were to windward of Mr. Leſtock, yet they were in the line with the ſhips a-head of them; and in the firſt article of the fighting inſtructions the Admiral himſelf has added a manuſcript addition, viz. 'And every 'ſhip is to obſerve the ſame diſtance thoſe ſhips 'do which are next the Admiral, always taking 'it from the center.' As to ſending Lieutenants to command the Dunkirk and Cambridge, the

the ſhortneſs of time between the ſhot's being fired, and Mr. Mathews's making the ſignal to leave off chace, and haling down the ſignal for the line of battle, as alſo the ſignal to engage the enemy, would not (had there been much greater neceſſity to do it) admit of ſuch a proceeding.

Though Mr. Mathews ſays in this part of the charge againſt Mr. Leſtock, that his ſituation was ſuch, that he could not poſſibly ſee, what was doing a-ſtern of him, as if he had been in the heat of battle all the time, I ſhall in anſwer to another part of the charge where he aſſerts the ſame, prove the contrary, when this will come more properly under our conſideration.

Mr. Leſtock kept bearing down, until he found he ſhould not be more than able to get into the wake of the ſternmoſt ſhip of the enemy. Farther, to divert her from getting up to the protection of the Spaniſh Admiral, as the only remedy left him to bring on an engagement, at the diſtance he was off, he fired a broadſide; ſhe returned it, ſheer'd farther from him, and made more ſail. — He did his utmoſt to cut off thoſe four ſternmoſt ſhips of the enemy, it was impoſſible for him to do more to hinder them from getting a-head to the aſſiſtance of the Real, or firing at the fire-ſhip, that was about this time ſent down upon the Spaniſh Admiral; neither did all his ſhot fall ſhort of the ſternmoſt ſhip, but ſhe directly bore away, and made more ſail, which was what he could not do.

In ſupport of what I have affirmed, when Mr. Leſtock fired at this ſhip, ſhe was before his beam, her top-gallant ſails lower'd, mizen top-ſail a-back, only under her main and fore top-ſails, her coarſes being halled up, and yet ſhe ſtole very faſt a-head of him, though there was very little wind, with ſo great a weſtern ſwell, that it was

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all that the ſhip had ſteerage way, and that ſhe could keep her ports open to fire her lower tier—And that after returning the fire ſhe hoiſted her top-gallant ſails, filled her mizen top-ſail, let fall her fore-ſail and bore away from Mr. Leſtock though he kept edging down after her, till he found he ſhould only be able to fetch into her wake: If ſhe went a-head of him, only under her top-ſails, mizen top-ſail a-back, and top-gallant-ſails lowered, it muſt be allowed that ſhe went much faſter when ſhe made more ſail.

There cannot be plainer proofs, or ſtronger circumſtances, and I have advanced nothing where evidence and conviction are wanting.——

The fourth part of the charge that I ſhall proceed to anſwer, is the remainder of the Admiral's fourth query, with part of his replies, viz.

Latter part of the fourth query.

Fourth part of Mr. Mathews againſt Mr. Leſtock.

'And alſo your reaſon for ſhortning ſail, and 'altering your courſe by haling upon a wind.'

Part of the replies.

'You are likewiſe pleaſed to give me for an-'ſwer to the laſt part of my fourth and laſt query, 'viz. that you left off purſuing the enemy, and 'clap'd upon a wind in order to protect the 'Rear-admiral; and Sir, I muſt confeſs, that I 'am not a little ſurprized at the reaſon you are 'pleaſed to give me, for breaking the line of 'battle, and quitting the enemy, ſo near you as 'thoſe four ſhips were by your own confeſſion. 'Had I judged Rear-admiral Rowley in ſo great 'danger, as you ſeem to inſinuate him to have 'been in, there is a proper ſignal to be made for 'that ſervice by the commanding officer. I 'muſt take leave to affirm, that had you not 'clapped upon a wind with your whole diviſion,

'by all the accounts I have received, you and 'your diviſion (though not all your ſail abroad) 'might, and muſt have engaged theſe ſtern-'moſt ſhips of the Spaniards in one quarter of an 'hour at leaſt, by which means the Real could 'not have eſcaped me, as I was within muſket-'ſhot of her, when all the ſternmoſt ſhips of the 'enemy came up and tore me to pieces: And I 'muſt add, that your neglect of that piece of 'ſervice was obvious and plain; and it is certain, 'that all the Captains in your diviſion, judged 'they were to follow you, notwithſtanding the 'ſignal for engaging the enemy was out. I muſt 'take leave to ſay, that if you had been pleaſed 'to have undeceived them on that head, it would 'have been doing, not only the duty of an of-'ficer, but likewiſe a friendly part to me.'

Fourth part of the anſwer.

It is a matter of great wonder and ſurprize, that Mr. Mathews ſhould aſk, why Mr. Leſtock ſhortened ſail, and altered his courſe by haling upon a wind. —— While Mr. Leſtock was under Mr. Mathews in the Mediterranean, whatever was ſaid there, we may ſuppoſe he could not ſo well take the liberty to expoſe the weakneſs and folly of, even in his own defence; but now, ſince his arrival here, ſelf-preſervation, with the injuries and oppreſſions that he has ſuffered during his ſuſpenſion, make it a duty incumbent upon him to throw off all reſtraint and ceremony, therefore I cannot help ſaying, that I am aſtoniſhed to the greateſt degree, to find that Mr. Mathews ſhould deliver ſuch a query after mature deliberation, as part of his charge againſt Mr. Leſtock. Surely either he muſt have the moſt contemptible opinion of Mr. Leſtock's underſtanding and experience, to think him capable of letting ſuch anſwers paſs upon him unregarded, or he muſt have the lameſt and weakeſt cauſe

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that ever an inconſiderate man undertook to ſupport.

It is plain and evident, that Mr. Leſtock did not break the line of battle, nor quit the enemy; (that is what he never did, nor never would do;) it will appear that he never clap'd upon a wind, with his whole diviſion, or any part of it; neither did he ever ſhorten ſail, until Mr. Mathews called him off chace by hoiſting the white flag at the fore-top-maſt-head, and haling down the ſignals for engaging the enemy and the line of battle. Mr. Leſtock did not give him for an anſwer to the laſt part of his fourth and laſt query, that he left off purſuing the enemy, and clap'd upon a wind in order to protect the Rear-admiral. His anſwer upon this occaſion was in theſe words, That when he haled down the ſignal to engage, and made the ſignal to give over chace, Mr. Leſtock immediately ſhortened ſail; he haled his wind, Mr. Leſtock did the ſame, as it appeared to him to protect Rear-admiral Rowley and his diviſion, the van of the French fleet being then tack'd, and endeavouring to double upon him.——

Theſe words do not mean more, nor can they be wreſted or taken in any other ſenſe, than that in obedience to his order by ſignal then abroad, he was neceſſiated to comply with it; and that this ſignal was made by Mr. Mathews for the protection of the Rear-admiral.

Mr. Mathews carefully avoids making any reply to Mr. Leſtock's aſſerting, he made the ſignal to give over chace, not one word in anſwer to that, only aſſertions of what he never wrote, contrary to the true and plain meaning of Mr. Leſtock's anſwers to his queries that were firſt ſent to him; probably as he could not ſtand argument and reaſon, and even ſubterfuge and evaſion

failed him in this point, he thought he muſt ſay ſomething, however incoherent and wide from the ſubject, in order to gloſs over his reſolution of bringing all the blame upon Mr. Leſtock to ſave himſelf.—No matter what it was if it was aſſerted with aſſurance, and that air which the command and power he had over Mr. Leſtock's naturally gave him. But, with ſubmiſſion to his abilities, ſilence upon this ſubject is a ſtrong circumſtance for Leſtock, a conſciouſneſs, and indeed a tacit confeſſion that he made the ſignal to give over chace. Elſe in his replies, he would have certainly denied the doing it; and as he writes untruths againſt Mr. Leſtock with all the zeal and appearance of certainty, he would, if poſſible, in this important particular, have rather exceeded in his manner of affirmation, than paſſed over in ſilence, without denying, or making any reply to what Mr. Leſtock alledges in his anſwers to his queries, that he did not ſhorten ſail before he haled down the ſignal to engage the enemy, and hoiſted the ſignal to give over chace, &c. &c.

Mr. Mathews ſays, that 'Had he judged Rear-'admiral Rowley in ſo great danger as Mr. Le-'ſtock ſeems to inſinuate him to have been in, 'there is a proper ſignal to be made for that pur-'poſe by the commanding officer.'

As Mr. Mathews hoiſted the white flag at the fore-top-maſt-head, and haled down the red flag, as well as the ſignal for the line of battle, a more applicable ſignal could not have been made for that purpoſe. I am ſure there is not one in the fighting inſtructions, and as to other ſignals, the fleet had none of his appointment. But whatever he might mean, as his ways and aſſertions are incomprehenſible, yet it was Mr. Leſtock's duty to obey the ſignal he made, without regarding the ſituation of the Rear-admiral, or being

anſwerable

anſwerable for the rectitude and conſequences of this ſignal; and there could be no great impertinence or preſumption, in obſerving what many others did, that Mr. Mathews, from all circumſtances, made this ſignal for the Rear-admiral's ſhelter and deliverance.

The ninth article of the fighting inſtructions ſays, viz.

Ninth.

'When the Admiral would have the van of the fleet to tack firſt, he will put abroad the Union flag at the flag-ſtaff on the fore-top-maſt-head, and fire a gun, if the red flag be not abroad; but if the red flag be abroad, then the fore-topſails ſhall be lowered a little, and the Union flag ſhall be ſpread from the cap of the fore-top-maſt downwards; and every flag-ſhip in the fleet is to do the ſame.' Van of the fleet to tack firſt.

By which it may be obſerved, that our forefathers provided againſt haling down the ſignal for battle, and drawing the fleet off from it, when it might be neceſſary to continue the engagement, and for the van of the fleet to tack firſt; in that caſe the Union flag is to be ſpread under the red flag *. Agreeable then to this practice and reaſoning, if Mr. Mathews did not mean the white flag as a general ſignal for the whole fleet to give over chace, he would have certainly ſpread it under the red flag, without haling down the ſignal for the line of battle. And, above all, if he did not mean that Mr. Leſtock in particular, with his diviſion, ſhould have obeyed it, he would have given him authority, by directing otherwiſe.

* And in the 16th article of theſe inſtructions the ſame caution is alſo preſerved, in directing a yellow flag to be ſpread under the red, if it happens to be abroad when this ſignal is to be made.

However his wiſdom and policy may conſiſt in ſaying one thing and meaning another, there was nothing left for Mr. Leſtock, but regarding his utterance; eſpecially as the ſternmoſt ſhip of the enemy had gone before very faſt ahead of him; the difference having been ſo great between their ſailing, as I have already mentioned, that it was impoſſible for Mr. Leſtock to have come up with her.—

The diſpoſition of both fleets at this time, will ſerve to corroborate what has been ſaid in vindication of Mr. Leſtock, as the certainty and faithfulneſs of it will more and more appear, in the examination of every witneſs, whether ſummoned by Mr. Mathews or Mr. Leſtock.

Mr. Mathews, by bearing away to attack the Real, when Mr. Leſtock was a great way a ſtern of him, occaſioned all the ſhips, from the Princeſs Caroline, in the line of battle, to the Dunkirk and Cambridge in the Vice-admiral's diviſion, to fire at the Spaniards. To mention theſe ſhips as they fired, I will begin with the headmoſt ſhip, viz. Salisbury, Guernſey, Kingſton, Berwick, Bedford, Dragon, Somerſet, Princeſſa, Norfolk, Namur, Marlborough, Dorſetſhire, Eſſex, Rupert, and Royal-Oak. The headmoſt ſhip of the enemy, that was fired at by theſe ſhips, was the Poder, for any time, the eight ſhip from the ſternmoſt in the enemy's rear (being the Spaniſh ſquadron.)

As the four ſternmoſt ſhips of the enemy are laid to Mr. Leſtock's charge by Mr. Mathews, which four did not get a-head, before the ſignal to give over chace was made, and the fireſhip blew up; Hence it appears, there could be only five of the enemy to cope with the above-mentioned fifteen of our ſhips, from half an hour paſt one to five, no leſs than three hours and a half;

a-half; out of which five it will be allowed, that the Real's ſecond did not ſtand it long, and that the Poder being diſmaſted, ſtruck. Neither can it be denied, that the ſituation of theſe fifteen ſhips againſt ſo few, were ſuch, that from the beginning to the end of the action they might have been ordered and directed to attack the Spaniſh ſquadron, in what manner Mr. Mathews thought proper, or ſhifted and diſpoſed of according to the condition of the enemy; the occurrences that happened, proceeding from the different circumſtances and diſpoſition of both fleets, more particularly when the Marlborough was ſo hard preſs'd upon; which ſhip, with ſubmiſſion to Mr. Mathews, was left to feel the conteſt of the day, *and was torn to pieces indeed*!

In the van Rear-admiral Rowley had only ſeven ſhips of the line, viz. the Sterling-caſtle, Warwick, Naſſau, Chicheſter, Boyne, Barfleur, and Caroline, againſt all the French ſquadron, ſixteen ſhips, and alſo the three headmoſt ſhips of the Spaniſh ſquadron, in all nineteen ſhips. Undoubtedly then our center attacking the enemy's rear in the manner they did, while the van (only ſeven ſail, not all the ſhips of Mr. Rowley's diviſion) was left expoſed to nineteen ſhips, and our rear was a great way off, was like aiming at a victory in one place, while there was a certainty of a defeat in another. However thus weak the Rear-admiral was to cope with more than two thirds of the combined fleet, (and he thought himſelf obliged to comply with the ſignals abroad for the line of battle, and engaging the enemy, as there was no ſignal of direction to the contrary, as might have been expected upon this occaſion, conſidering his weakneſs) there were only three French ſhips engaged, all the reſt being intent upon gaining the weather-

gage,

gage, and that our three foremoſt ſhips, with the Chatham in the van, kept to windward, and did not engage, according to the example of their chief, the ſignals for engaging, and the line of battle; (though theſe may be orders that will not admit of diſobedience, as altogether oppoſite to diſcipline, and the baſis of the military trade) yet happy it was that the Captains of theſe three ſhips ſaw into conſequences, and thought otherwiſe in this point; who, it ſeems, contrary to the Rear-admiral's conduct, thought themſelves more anſwerable for the rectitude of ſuch orders, than the execution of them) which diſobedience, with the little wind and ſwell, is ſaid to prevent the French from tacking ſo ſoon as they would have done; but when they did, our ſhips were forced to wear, and tack, juſt as the wind and ſwell would let them; The Rear-admiral making the ſignal for the ſhips in his diviſion to bear down into his wake, and running with all the precipitation he could from the enemy, on the contrary tack to the line of battle. ———

In this ſituation the French had it in their power, by their great ſuperiority, to deſtroy our van; but though they ranged within piſtol ſhot of four or five of them, where they could have raked them fore and aft, yet they did not fire one ſhot. —— To ſubdue our van, while their rear was vanquiſhed, was no incitement to them; the redemption of their rear in the deſperate condition they ſeemed to be in, was the important point in view, (and any interruption to that, let the bait be ever ſo alluring, was, it ſeems, not regarded, or put in competition with it.) ——— Such was the true ſtate and condition of both fleets, for the truth of which, if any man is adventurous enough to deny it, I appeal to all the

eye witneſſes that were there, and are now here. In this confuſion, where there ſeemed to be neither diſcipline nor command, when the fire-ſhip had miſcarried, and the van were making all the haſt they could to join our center, with the French coming hard after them in great order, Mr. Mathews haled down the ſignal to engage the enemy, and the ſignal for the line of battle, and hoiſted the white flag at the fore-top-maſt-head, the ſignal to give over chace. And then the Vice-admiral ſhortned ſail.

To follow Mr. Mathews through his repetition, it muſt be obſerved that he is pleaſed to draw this inference, that by all accounts, had not Mr. Leſtock clapt upon a wind, with his whole diviſion, which he never did (until it was his duty ſo to do) that in a quarter of an hour at leaſt, he might and muſt have engaged theſe four ſternmoſt ſhips, by which means the Real eſcaped him; as Mr. Mathews haled down the ſignal to engage the enemy, and the ſignal for the line of battle, and made the ſignal to give over chace, before the four ſternmoſt ſhips got up to tear him to pieces; Hence it will appear manifeſt that he had no farther thoughts of accompliſhing the Real's defeat by taking her, otherwiſe he would not have made the ſignal to give over chace.——Beſides is, it is notorious that Mr. Mathews continued but a very little time in battle; having left the Marlbrough in the glorious conteſt, notwithſtanding all the loud echo's of popular outcry, noiſe and falſhood to the contrary — which have been unjuſtly levelled againſt Mr. Leſtock.

At half an hour paſt five Admiral Mathews made the ſignal for the line of battle, when there was very little wind with a great well, ſo that with the loſs of a good deal of

room,

room, it was all that the ſhips would wear; the Admiral himſelf wore, and formed the line of battle on the other tack (*viz.* the ſtarboard) leaving the Poder to be retook by the French ſquadron, with the Berwick's Lieutenant and twenty three of her men; ſo precipitate was his flight from the French, that there was not time to ſave theſe people. The Dorſetſhire, Eſſex, Rupert and Royal Oak wore when the Admiral did, which conſequently brought them nearer to theſe four ſternmoſt ſhips of the enemy in wearing as well as being on the contrary tack, and in paſſing by, they fired, as did the Admiral, Dorſetſhire, Eſſex, Rupert, Royal-Oak, Dunkirk and Cambridge upon this occaſion, which firing, the laſt of the action, (Mr. Mathews is pleaſed to ſay 'hindered the Real from falling into his 'hands, and calls tearing him to pieces,' although it is evident he had theſe ſix ſhips a-head of him, and the other ſhips of the center a-ſtern of him.)———

Mr. Mathews in the latter part of this part of the charge ſays, with full aſſurance, that Mr. Leſtock's neglect of the ſervice was obvious and plain; to which I ſhall reply, that nothing is ſo eaſy as general charges and aſſertions; nothing ſo true as the old maxim, Throw out calumnies with aſſurance, and ſome of them will find credit. But I am ſurprized that ſuch ſhould be inſerted in an accuſation and charge againſt Mr. Leſtock.

As Mr. Leſtock was from the beginning of the action rather to leeward with his diviſion, than to windward of the line of battle, therefore the Captains in his diviſion, notwithſtanding the ſignal for engaging the enemy was out, did their duty in following him, and not going a-head of him, if they poſſibly could have done it; for which reaſon I cannot poſſibly apprehend Mr. Mathews's meaning

meaning, when he is pleaſed to ſay, 'That to 'have undeceived them, would have been doing, 'not only the duty of an officer, but likewiſe a 'friendly part to him.' Though by all circumſtances it may be imagined that Mr. Leſtock owes him no friendſhip, ſince he always received from him inſtances and proofs of enmity and malice, yet as his Majeſty's ſervice was the important point in queſtion, not Mr. Mathews's, nor private piques and animoſities, he muſt have been criminal, if he did not execute all that could be required and expected of him, or left any thing undone for the glory and ſafety of the nation, and the deſtruction of the enemy, that he had power to do.

The fifth part of the charge, divided in the manner I have hitherto purſued, is the remainder of Mr. Mathews's replies, viz.

The remainder of Mr. Mathews's replies to Mr. Leſtock's anſwers to his queries.

'To conclude, I muſt take leave to tell you, 'that I am greatly concerned to find you judg'd 'it was neceſſary for me to have dropt a boat a-'ſtern to order, not only thoſe ſhips of my divi-'ſion a-ſtern of me, but likewiſe thoſe of yours '(which are in the line of battle a-head of you) 'to do their duty. The ſituation I was in that 'time, did not permit me to ſee that ſuch orders 'were neceſſary; but why did you not do it, who 'was at leiſure, and tell me that ſuch orders were 'neceſſary? yet acted contradictory to your 'judgment, by firſt ſhortening ſail, and ſoon af-'ter clapping upon a wind: it therefore appears 'to me, that you was willing to aſſiſt me with 'your judgment in doing what was not in your 'power to do, viz. to go to the aſſiſtance of 'Rear-admiral Rowley; yet you would not aſſiſt

Fifth part of Mr. Mathews's charge againſt Mr. Leſtock.

'me when it was abſolutely in your power, viz. 'by ordering the ſhips in the rear of my diviſion 'to bear down upon the enemy, to prevent their 'getting up to the aſſiſtance of the Real, and all 'of them attacking the Namur. This, Sir, is 'under your hand; but what is more extraordi-'nary, you would not yourſelf do it, or order a-'ny of your diviſion, to do what you are pleaſed 'to tell me I ought to have done; and I take 'leave to affirm, that it was abſolutely in your 'power to have prevented the enemies ſhips get-'ting up to me, either by diſabling them, or 'obliging them to put afore it. In either of the 'two caſes the Real muſt have been burnt by the 'fireſhip (being when ſhe blew up within piſtol-'ſhot of her, and, as I am credibly informed, 'muſt have ſunk by the ſhot ſhe received from 'thoſe ſhips of the enemy, had ſhe not blown up) 'or have fallen into my hands, as I was at that 'inſtant of time within muſket-ſhot of her.

'Namur, Mahon harbour, Signed
'March 4, 1743. Thomas Mathews.

Fifth part of the anſwer.

Mr. Mathews ſeems to be angry, and expreſſes great ſurprize, becauſe Mr. Leſtock took the liberty to conclude in his anſwers to his queries, that had he been pleaſed to have dropt a boat with his directions to thoſe ſhips between him and Mr. Leſtock, to have attacked the four mentioned ſhips of the enemy, they would have forced them a-ſtern for the rear coming up, and really we cannot think Mr. Leſtock has reaſon to repent what Mr. Matthews ſo triumphantly tells him he has under his hand, for had he done ſo, before he himſelf began the engagement, it could not have failed of anſwering the purpoſe. It would have been at leaſt a great aggravation of that man's crime,

who, after ſuch a direction, neglected coming to the Marlbrough's aſſiſtance, and engaging the enemy in earneſt within gun-ſhot.

The duty then could not have been poſſibly miſtaken, which ſatisfaction alone cheers the heart of man, and may be ſaid to ſtrengthen his hands, when he is perfectly ſure that he cannot miſtake and fall into error; and what made it the more neceſſary in this point was, the rawneſs and inexperience of ſome of our officers, who never had been exerciſed together, and were ſtrangers to battle, if not altogether of naval diſcipline, particularly that of the line of battle.

The nineteenth article of the fighting inſtructions runs thus, viz.

Nineteenth.

How to engage the enemy, when the fleet has the wind of them.

'If the Admiral and his fleet have the wind 'of the enemy, and they have ſtretched them-'ſelves in a line of battle, the van of the Ad-'miral's fleet is to ſteer with the van of the 'enemies, and there to engage them.'

Perhaps this very article led them to ſtumble and falter, or kept them in a maze and conflict; for it is certain that the ſignal for the line of battle was kept abroad, when that diſcipline appeared to be all forgone by the Admiral bearing away to attack the rear of the enemy, whereby our van was left expoſed, while our rear was out of reach to ſuccour and ſupport the Center—Whereas, if this ſignal had been haled down; at the ſame time Mr. Rowley have been directed to keep his wind, beyond all doubt, every ſhip (particularly in the rear) would have been left at liberty to do her utmoſt, while our van would have run no riſque, but been perfectly ſecured; for in this caſe I cannot think keeping the ſignal out ſerved

any other purpoſe, than as a bugbar to intimidate our ſhips from going to leeward of the line of battle, if neceſſary, and running the hazard of puniſhment for breach of order and diſcipline.

It is plain, notwithſtanding Mr. Mathews's aſſertions to the contrary, that as he left the Marlbrough long before ſhe loſt her maſts, he was in a ſituation to diſtinguiſh what was doing a-ſtern of him; nay it it is ſo univerſally known, that he ſent boats on board of the Ann Galley fire-ſhip, the Dorſetſhire and Eſſex, that ſurely he will not offer to diſpute this truth. Therefore, as theſe ſhips kept far to windward with the Rupert and Royal-Oak, as it cannot be denied that they were not far enough a-head from the beginning of the action, to attack the Spaniſh Admiral, or any of his ſhips a-ſtern of him, he had it abſolutely in his power to correct and reform any abuſes from their ſcandalouſly trifling and throwing away their ſhot, or ordered them to a cloſe engagement with the enemy. He could ſee full well, and it was his buſineſs to look after the backward, timid, or ſlow; he had left the battle, and he was at leiſure; he alone who held the power in his hands was in this particular the ſole judge, the only perſon who could authorize and indemnify: Advantages loſt through his diffidence or raſhneſs, and that of others, do not concern Mr. Leſtock, who had learned under him in a more ſingular manner than ever, that paſſive obedience was his only and ultimate duty, and to ſubmit every other to him the Commander in chief.

Beſides, he could not make the Neptune go faſter a-head; a boat from him at the diſtance he was from theſe ſhips, was ſtriving at what was out of his reach; for there is a wide difference between dropping a boat a-ſtern, and

ſending

ſending a boat a-head to ſhips at ſuch diſtances off, that were all under ſail. Neither could he take upon him to direct the Admiral's diviſion, that was much nearer the Commander in chief, than the Vice-admiral, who durſt not preſume, and had no latitude to go beyond orders. Farther, had it been neceſſary for the ſhips to have gone to leeward of the line with him, eſpecially as he had made a manuſcript addition to the firſt article of the fighting inſtructions; Mr. Leſtock that was bound to the order himſelf, as much as any Captain, could not authorize and empower others to break it.

Moſt of this part of Mr. Mathews's charge againſt Mr. Leſtock has been already anſwered, and proved to be inconſiſtent. I cannot think to what purpoſe Mr. Mathews ſays, 'That Mr. Le-'ſtock aſſiſted him with his judgment, in doing 'what was not in his power to do, viz. to go to 'the aſſiſtance of Rear-admiral Rowley, yet 'would not aſſiſt him, when it was abſolutely 'in his power.' The ſhorteſt and moſt reaſonable reply, (though it is a repetition, which his frequent repetitions force) that can be made to this, is, that as Mr. Mathews judged proper to make the ſignal to give over chace, it was certainly Mr. Leſtock's duty to obey, eſpecially when he could do no ſervice, nor poſſibly get within gun-ſhot of the ſternmoſt ſhip of the enemy. It is ſufficient without dwelling longer upon this ſubject, to enter into a diſpute, whether Mr. Leſtock really ſaw into the true deſign of Mr. Mathews's making this ſignal, that it was made, and that he had learned to obey it, no matter whether Mr. Leſtock had penetration and judgment enough to ſee into the deſign and neceſſity of the order he executed. But when he ſaw him repeat this ſignal, and do as he did,

his

his commanding officer, if he did wrong, why did not Mr. Mathews give him authority to act otherwiſe? ——

As to Mr. Leſtock's judgment, or opinion, he had a proof from him for two long years, that it was not worth a ſummons, and though he had the honour to bear his Majeſty's flag, yet he was always, even in the day of battle, kept ignorant of his deſigns, more than many private Captains— Nevertheleſs he always aſſiſted him to the utmoſt of his power, as an inferior flag-officer, more he durſt not do, and leſs his duty reſtrained him from; but if Mr. Mathews deprived himſelf of his aſſiſtance by his great impatience and miſconduct in never ſuffering him to cloſe with him, nor did not give him more authority by proper ſignals, he is no ways anſwerable.

Nothing is more unjuſt, than for Mr. Mathews to affirm that it was in Mr. Leſtock's power, to prevent the four ſhips of the enemies getting a-head, either by diſabling them, or obliging them to put a-fore the wind, unleſs he had, inſtead of making the ſignal to give over chace, made the ſignal for him and his diviſion to give chace, between two and three when they were not ſo much a-head of him; and then though Mr. Leſtock could not have come up to diſable them, yet he might have certainly kept two or three of the ſternmoſt a-fore it, and himſelf and diviſion been juſtified for breaking the line of battle, and the 21ſt article of the fighting inſtructions, that none of the ſhips in the fleet ſhall purſue any ſmall number of the enemies ſhips *&c.* As by that means Mr. Leſtock would have been ſeparated from him, far to leeward, and not been in the way at eight at night, when he ſent the Lieutenant of the Ruſſel with orders to him

to

to keep near the Ruſſel, on board of which ſhip he had ſhifted his flag. ———

The conſequence of this raſhneſs without authority, as things afterwards fell out, would have brought the confederate fleet between him, and the rear of our fleet; and it would have been impoſſible for Mr. Leſtock to have ſuſtained ſo heavy a charge, againſt diſcipline and order, when it was obvious and plain that his duty was to do his utmoſt to cloſe with the center, in obedience to the ſignal for the line, which the Admiral kept abroad. ———

It will appear that the ſhot of theſe ſhips did not reach the fire-ſhip; the two ſternmoſt ſhips did not fire one ſhot at her, ſo that in fact they were no hinderance to the Real's being burnt, nor any to her falling into Mr. Mathews's hands, becauſe he had left the Real, and made the ſignal to give over chace before they came near enough to attack him, or reach the fire-ſhip; and when they did fire upon him, it was when he had formed the line on the ſtarboard-tack, after leaving the Poder with the Berwick's Lieutenant and men on board of her, to be retaken by the French, by which means in wearing with ſo little wind, and ſo great a ſwell, and then being on the oppoſite tack to one another, in courſe he neared theſe ſhips, and ſeveral broadſides were exchanged as they paſt one another, but ſoon after all firing ceaſed. And ſuppoſing the fire-ſhip's ill ſucceſs, as it did not, proceed from theſe ſhips firing at her, yet Mr. Leſtock is not at all anſwerable, unleſs it could be proved againſt him that he ſhortened ſail before ſhe miſcarried, and that the Admiral before that time made the ſignal to give over chace. It appears that her cataſtrophe, with our van running to join our center on the contrary tack to the line of battle from the

French,

French, who were hard after them, occaſioned, in all probability, this ſignal being made: therefore as Mr. Leſtock was not within reach of the ſternmoſt ſhip, and all his endeavours for that purpoſe proved fruitleſs, the blame muſt light where it ſhould in juſtice, upon thoſe, who had it in their power, and neglected this ſervice. But to conclude, nothing is more evident than that the true cauſe of the fire-ſhip's miſcarriage proceeded from not taking ſuch effectual meaſures, as are agreeable to practice, and the conception of this duty in all it's conſequences, otherwiſe attempts of this kind are not feaſible, but dangerous and deſperate, and defeated with leſs difficulty than can be imagined. The Captain had no orders to prime his ſhip, conſequently was not ready at the time he was ordered down; for it will be readily allowed, that a fire-ſhip cannot well be primed in leſs than an hour and a half, and to be directed upon ſervice before he had authority to get ready for it, is enough to confound a man: hurry to diſpatch, fear of diſpleaſing, concern to feel what he never had felt in all his ſervice, reproofs and menaces, eagerneſs and precipitation to execute, all help, upon ſuch an occaſion, to excite a guſt of paſſions, with which the conflict muſt be violent, and the ſucceſs uncertain. He poor man, (inhumanly treated as his memory has been) was forced to go down, priming all the way thither, and it is evident he had not the leaſt aſſiſtance; for ſo ſevere was his neceſſity, that he was obliged to ſend his boat away with his people, which did not return before the unhappy blaſt. It will appear that he was neither covered nor conducted, hard meaſure; on the contrary, had the Dorſetſhire, Eſſex, Rupert, or Royal-Oak, been ſent down with him, being the ſhips the moſt ready at hand for

this

this ſervice, as indeed it was in vain to expect ſucceſs without, they could have run no manner of riſque; but in the condition the Real was in, raked her fore and aft, and protected the fire-ſhip, until ſhe had been burnt, and executed her purpoſe, as well as ſtopt the four ſternmoſt ſhips from getting a head, *whereby the Admiral was ſo much torn to pieces, and loſt ſo many men.*

But as it was, ſhe ſeemed rather to be ſent down to be ſacrificed, elſe why were theſe ſhips ſuffered to keep to windward to look on, where danger and the neceſſity of their country's cauſe called them?

Although the Real's diſtreſs was ſuch that ſhe herſelf could not bring many guns to bear on her, yet ſhe kept an inceſſant volley of ſmall arms firing at her, and when ſhe came within piſtol ſhot the Real brought ſix or ſeven of her guns of the lower tier to bear, and aimed them ſo ſure, that every one of them took place, beſides two guns that were fired afterwards; ſo that at this rate ſhe muſt have ſunk before ſhe could have burnt the Real, had ſhe not been blown up, either by ſome unlucky accident, or deſpair—— What is more, it is very well known, that a great launch full of men was ſent to take or hinder her from boarding the Real, which otherwiſe muſt have happened.

What ſucceſs then could be poſſibly expected from an attempt of this kind, when it is viſible it was not guarded with one neceſſary precaution? In that imminent danger, where the Real kept pouring in ſmall ſhot, firing her great guns, and the launch almoſt on board of the fire-ſhip, where the Captain was unaided, uncovered, and unprotected, neceſſitated in his defence to fire blunderbuſſes to keep the launch off, and at laſt reduced to the fatal neceſſity of venturing to fire the

guns in the waſte, by which means, with many matches unwarily placed, hatches unlaid, ſkuttles open, funnels uncapt and running down unprepared, and primed with a great deal of looſe powder, the fire-ſhip miſcarried, and in this manner do I account for her misfortune. After ſhe blew up the launch endeavoured to take the yawl, with the fire-ſhip's people that were ſaved, but the barge returning then very opportunely, took her in tow, and delivered her from that danger.

The ſixth and laſt part of this feaſible, unconnected, and ſuſtainable charge, is an additional article joined to the queries and replies, by Mr. Mathews ſince his arrival in England: thus ſeeking for matter like a ſinking man who would lay hold of any twig to ſave himſelf. This part of the charge is contained in an extract of a letter from him, dated the 17th of November, 1744, which with the queries and replies were ſent to Mr. Leſtock the 20th following, and as containing the whole charge was ſigned by Mr. Corbett.

An extract of Admiral Mathews's Letter to Mr. Secretery Corbett, dated the 17th of November, 1744, an additional article annexed to the queries and replies, viz.

Sixth and laſt part of Mr. Mathews's charge againſt Mr. Leſtock.

'The charges againſt the late Vice-admiral Le-
'ſtock's conduct are contained in the queries, and
'my reply to thoſe queries I ſent their Lord-
'ſhips; to which I have now only to add, that
'he was guilty of a moſt ſcandalous breach of
'truſt, by ſending his own Captain (Captain Step-
'ney) to Captain Purvis, at that time under con-
'finement, in order to be tried at a court martial,
'on his own accuſation for miſbehaviour in the
'time of ſervice, as appears in the ſaid Vice-ad-
'miral Leſtock's reply, &c. with inſtructions to
'the ſaid Captain Purvis, how to conduct him-

'ſelf at the court martial, and with aſſurances 'that he would do him no harm.'

Undoubtedly with good reaſon Mr. Leſtock might have refuſed anſwering to this additional article, as what could not poſſibly with any degree of juſtice be reckoned part of the charge againſt him; ſince it is without the tenour of the order of ſuſpenſion, and his Majeſty's pleaſure ſignified to the Lords Commiſſioners of the Admiralty, to bring him to a trial for his conduct in the late action againſt the combined fleets of France and Spain, in the Mediterranean. He was ſuſpended for his ſuppos'd miſconduct in the action, and the King's order to try him was for that only, and nothing that happened afterwards. However Mr. Leſtock ſubmitted to it, arming himſelf with his own innocence, and thereby preventing the detraction and calumny of his adverſaries, who upon this occaſion would have made the moſt cruel and uncharitable conſtructions: ſo ſevere it is to lye under the laſh of popular clamour and tumult, whether juſtly or unjuſtly.

The falſhood and malignity of this aſperſion will be proved by Captain Stepney himſelf, who will declare he never had any ſuch authority or inſtructions from him; and notwithſtanding this article is called a ſcandalous breach of truſt, it will appear by the candid confeſſion of the perſon who owns himſelf to be ſo far guilty as to ſend to Captain Purvis (though not by Captain Stepney, but by another, who is alſo ready to declare he carried the meſſage, and delivered it) to plead in his defence a manuſcript addition to the firſt article of the fighting inſtructions, made and ſigned by the Commander in chief, conſequently in full force, though perhaps too unguardedly added, as it helped no doubt to acquit Captain Purvis: both perſons will be produced, the perſon who ſent to

Captain Purvis upon this occaſion, and the other who delivered the meſſage.——But indeed, ſo far from eſteeming this a breach of integrity, or an act of injuſtice, I cannot help thinking that humanity and common honeſty teach us this candour and charity to our fellow-creatures in ſuch circumſtances, and what would have become the Judges of the court martial, even the Preſident himſelf (if he was not ignorant of his own order) to mention it, had it's notice eſcaped the priſoner's obſervation. Otherwiſe by the ſame parity of reaſon it may be deemed juſtice to condemn a dumb man, whoſe innocence is known to his Judge, becauſe he cannot ſpeak to claim the Judge's teſtimony; and it is thus made a ſcandalous breach of truſt for the Judge to ſpeak the truth in his behalf: ſuch courts would be courts of tyranny, not of juſtice: from ſuch principles of juſtice, and ſo open a violation of the rights and privileges of mankind, heaven preſerve every judge, and baniſh all ſuch acts of tyranny and inhumanity.

I will recapitulate the ſix different parts of this charge and the anſwer thereto. ———

'The firſt part of the charge is that of bringing to five miles to windward of Mr. Mathews.' Nothing can be more abſurd than for Mr. Mathews to aſk Mr. Leſtock whether he could ſee a day-ſignal, when he himſelf found it to be ſo dark as to make a night-ſignal to bring to, and ſuppoſes Mr. Leſtock to be five miles to windward of him. —

Vid. Log-book.

The impoſſibility of his being ſo great a diſtance, appears from the ſmall airs of wind and great ſwell in that afternoon's ſail, being only three hours from being becalmed, and laying to. ——— And admitting him to be really that diſtance from Mr. Mathews when he brought to, as he has not queſtioned Mr. Leſtock's conduct

duct before that time, in this he frankly acknowledges himſelf raſh and inconſiderate enough to leave behind him ſo great a part of his ſtrength, as Mr. Leſtock's diviſion to go down ſo near the enemy in diſorder, contrary to the ſignal for the line of battle, at the ſame time that it cannot be denied that the enemy were perfectly well formed.

As Mr. Leſtock ſaw him make the night-ſignal for bringing to, and repeated it, he cannot ſay, he could not ſee Mr. Leſtock; why then in an affair of this importance where ſo much depended, would Mr. Mathews ſuffer him to do wrong in dividing himſelf from the center? The qualification of an officer to diſpoſe of the Fleet in a proper order of battle is a ſtrong circumſtance againſt this charge, and a recrimination upon his own conduct, brought by himſelf. ———

Had there been a night-ſignal appointed for the line of battle, and kept abroad, it would have been a certain guide in the dark, and a ſure direction for this order and diſcipline, in caſe of a ſhift of wind, current, or indraught. On the contrary the very tenour of the night-ſignal he made, is a ſufficient inſtruction for Mr. Leſtock's bringing to, even had he been a greater diſtance from him than he alledges, as the windwardmoſt ſhips, by the words of that article, are directed to bring to firſt. But ſo far from bringing to at that diſtance, he brought to in the line of battle with Mr. Mathews, within three miles of the enemy, ſo near that they edged from him, and that he could not go nearer, without breaking the line and engaging the enemy. ——

At day break Mr. Leſtock ſeeing his diſtance, he made ſail before the Admiral made the ſignal, and was near being abreaſt of him by that time he made ſail, tho' their diviſions were not cloſed

toge-

together. —— The real cauſe of the difference in his diſtance between night and morning, I account for in the ſhift of wind, and the eddy or the indraught of the iſlands, while Mr. Mathews was in the offing in the power of the current. ——

The Admiral's making the ſignal in the morning for he that commands in the 3d poſt to make more ſail, before he did for he that commands in the 2d, with what Lieutenant Knowler ſaid to Mr. Leſtock, are an inconteſtible proof that he was nearer to him than the Rear-admiral. And inſtead of laying by for Mr. Leſtock, agreeable to the meſſage which Lieutenant Jaſper brought him, he made more ſail, by which he neared the Rear-admiral, and occaſioned through his impatience and unfixt reſolution, the great diſtance he charges Mr. Leſtock withal. ——

It is notorious that the center made too much ſail to let either of the wings form into a line of battle, according to the ſignal; and as the Rear-admiral's diſtance was greater than the Vice-admiral's from him, I may with great juſtice obſerve that Mr. Mathews was blind and partial to his faults, while he proved to be a ſevere and malicious cenſurer of Mr. Leſtock's actions, however regular. ——

The recapitulation of the ſecond part of the Charge and Anſwer.

The ſecond part of the charge, ' is for not re-
' peating the ſignal to engage the enemy, &c.'

There is nothing charged againſt Mr. Leſtock, between bringing to at half paſt ſix at night, and half paſt ten next morning, when he confeſſes he not only ſaw the Admiral make the ſignal to engage, but he forbid his firſt Lieutenant repeating it: This leſſon the article itſelf taught him, and

the

the general battles that he had been in.——— It has been urged, that the Rear-admiral repeated this ſignal, and the Captains of his diviſion expected it of him; as if an error in an inferior flag-officer's judgment was to have weighed with him contrary to diſcipline and ſervice, or he was anſwerable for the folly and ignorance of any Captain.———

Strange effects! in the van, where this ſignal was repeated, the Captains did not regard it, nor would not obey it; becauſe they thought themſelves wiſer than Mr. Mathews and the Rear-admiral—— and in the rear it has been pretended, that Mr. Leſtock's repeating it, would have authoriſed the Captains to have broke the article itſelf, the line of battle, with the 21ſt and 24th articles of the fighting inſtructions. This was Mr. Mathews's reaſoning and diſcipline in the Mediterranean, while Mr. Leſtock was under his command: thank heaven his cauſe was ſo lame, that he had no better to plead againſt him, and that it now ſtands the teſt of better Judges.

It is manifeſt that Mr. Mathews had ſeen and read this article, by the addition he made to it; and if he thought ſo much depended on the repetition of this ſignal, as the pen was in his hand, he ſhould have gone on, and given Mr. Leſtock authority, as in the other articles, where repeating is thought neceſſary and ordered.—— But alas! this charge, weak and trifling as it is, was urged againſt him for want of real matter; and this is the more certain, as Mr. Mathews did not, after he ſent Mr. Leſtock home, order this ſignal to be repeated.

This is the firſt time that ever a ſignal was made to engage an enemy, before the fleet was ready for it; every officer of experience and judgment have acted contrary to this new precedent, which

ſerves

ſerves to ſhew our impatience, in not giving time for the fleet to form, while the enemy kept in the greateſt order and diſcipline.

The recapitulation of the third part of the Charge and Anſwer.

The third part of the charge is, 'for not endeavouring to cut off the four ſternmoſt ſhips of the enemy, and for not making the ſignal for any of his diviſion to perform that ſervice, &c. &c.

Lieutenant Jaſper came on board, and told Mr. Leſtock the Admiral would lay by for him, until he came up to cloſe with him; but inſtead of that the Admiral made more ſail from him. Lieutenant Knowler ſoon followed him, and told Mr. Leſtock the Admiral would have him make more ſail; upon which Mr. Leſtock bid him look aloft, and ſee whether it was in his power, every thing being abroad: and upon his ſaying, that his aim was at the Real, he ſaid that the Admiral had told him ſo.

And as a clear circumſtance that Mr. Leſtock thought no otherwiſe than to engage according to the line of battle, having only four ſhips of the line in his diviſion a-ſtern of him, and the Real ſix, in order to make himſelf more upon an equality, he ſtationed the three fifty-gun ſhips of his diviſion, to aſſiſt his ſternmoſt ſhips.—— And at this very time, a Lieutenant of one of theſe ſhips obſerved, that as the Real went very faſt a-head of Mr. Leſtock, he would not be able to get up with her.

The fleet bore down with the ſignal flying for battle in great diſorder, whereby it ſoon became impracticable for us to keep the wind of the enemy, conſidering the foulneſs of our ſhips, and have room to form in good order before action; unleſs we had immediately haled our wind for that

that purpoſe, which would have brought the Real upon Mr. Leſtock's beam.— From all circumſtances it appears, that the enemy's deſign was either to draw us on to fight at a diſadvantage, upon unequal terms, or that of gaining the wind of us, to have uſed their fire-ſhips more effectually upon us, than we did ours upon them.——— If Mr. Leſtock miſbehaved the night before in bringing to, though I have made it appear otherwiſe, Mr. Mathews's own conduct made the diſtance between them ſtill greater and more dangerous. Is Mr. Leſtock then to anſwer for his raſhneſs? Could his former ſuppoſed neglect at night, impower him in the morning to act ſo inconſiderately, ſo oppoſite to policy and the rules of war, the nation's ſafety and glory?

Mr. Mathews will not take upon him to ſay before the action began, that Mr. Leſtock had power to order the clean ſhips in his diviſion to go ahead of him, where there were already more ſhips poſted in the line than ſufficient to deſtroy the whole Spaniſh ſquadron; and afterwards had he done what he could not have anſwered, it was impracticable, for there was ſo little wind and ſo great a ſwell, that the whole diſtance by the log in the afternoon's ſail was only four miles. And ſuppoſing each ſhip when the action began was half a mile from each other, as there were five ſhips a-ſtern of him with the Torbay, the diſtance of the ſternmoſt ſhip from him muſt be two miles and a half: is it poſſible then to think that the Revenge could have gained two and a half, the Elizabeth two, and the Buckingham one mile and a half in the diſtance of four miles run; and their diſtances gained would have made them only a-breaſt of Mr. Leſtock, where he could not reach the ſternmoſt ſhip of the enemy.

And as a farther proof, the Ruſſel, a good ſailing ſhip, not above eight months from being cleaned, with all her ſail ſet, could not get up with the Neptune before the ſignal was made to give over chace; her ſtudding ſails were kept abroad even after the Torbay dropt a-ſtern of her out of her ſtation, when it was Mr. Leſtock's duty to hale them down: their continual ſhifting in ſo little wind made them of little ſervice, and their flapping to and fro endangered the maſts in ſo pitching a ſhip as the Neptune was; beſides, theſe are troubleſome ſails to engage with; the old practice having been to furl the main ſail to prevent firing the ſhip.

If any of the ſhips in Mr. Leſtock's diviſion, contrary to his obſervation and his officers, ſhortened ſail at times to keep in the order of battle, according to the ſignal abroad, he had no authority to alter the Admiral's diſpoſition, unleſs in room of ſhips diſabled. The 24th article of the fighting inſtructons injoins every ſhip to keep her ſtation, and that, nor no other empowered him, to direct any breach of it upon any pretence whatever.

And had he done this unthinkingly without orders, it could have anſwered no other purpoſe than to ſeparate his diviſion to leeward from the fleet, when Mr. Mathews would have certainly brought him to anſwer with great juſtice and propriety for chacing with his diviſion without a ſignal agreeable to the 27th article of the fighting inſtructions, which was abſolutely neceſſary to have juſtified him for breaking the line, not endeavouring to engage according to the order the Admiral had preſcribed, purſuing a ſmall number of the enemies ſhips, before the main body was diſabled, or run, and leaving his ſtation upon any pretences, which injunctions enforce his

his obedience, as the 1ſt, 13th, 21ſt and 24th articles of the fighting inſtructions ſufficiently bear witneſs.

It cannot be doubted, that if the ſhips a-ſtern of the Marlborough in the line of battle had bore down according to their duty, being ſix ſhips, they would have effectually forced the four ſternmoſt ſhips a-ſtern for the Vice-admiral's coming up: on the contrary, they were ſuffered to throw away their ſhot out of reach, while the Marlborough bore all the brunt of the battle.

The Dunkirk's ſignal was made, and a ſhot fired to windward of her and the Cambridge, as a check and direction for both Captains: and as to Mr. Leſtock's ſending his Lieutenants to command their ſhips, the ſhortneſs of the time between the ſhot's being fired, and the ſignal to give over chace, (had there been a greater neceſſity) would not admit of ſuch a proceeding—— Neither had he any authority to force theſe two ſhips down to leeward, between the Admiral's diviſion and the enemy, conſidering the manuſcript addition made by Mr. Mathews to the firſt article of the fighting inſtructions.

When Mr. Leſtock fired at the ſternmoſt ſhip, few of his ſhot reached, though he was nearer than ever he had been, which ſhip was before his beam, with her top-gallant ſails lowered, mizen-top-ſail a-back, only under her main and fore-top-ſails, and yet ſhe ſtole very faſt a-head of him, though there was very little wind, and ſo great a ſouthern ſwell, that it was all that he had ſteerage way, and that he could keep his ports open to fire his lower tier of guns.——And that after returning the fire ſhe hoiſted her top-gallant ſails, filled her mizen-top-ſail, let fall her fore-ſail, and bore away from Mr. Leſtock, though he kept edging down after her, till he found he ſhould

only be able to fetch into her wake. If ſhe went a-head of him only under her top-ſails, mizen-top ſail a-back, and top-gallant ſails lowered, it muſt be allowed that ſhe went much faſter when ſhe made more ſail.

The recapitulation of the fourth part of the Charge and Anſwer.

The fourth part of Mr. Leſtock's charge, is for ſhortening ſail, and clapping upon a wind.

He never broke the line of battle, nor quitted the enemy, nor ſhortened ſail, nor clapped upon a wind, until Mr. Mathews did ſo himſelf, after making the ſignal to give over chace, and haling down the ſignals for engaging, and the line of battle——And this proof is ſupported by numberleſs circumſtances.

As Mr. Mathews does not ſay he did not make the ſignal to give over chace in his reply to Mr. Leſtock's anſwers to his queries, where he had aſſerted he had made this ſignal: this ſilence upon a ſubject ſo homely preſſed upon him, is a ſtrong circumſtance for Mr. Leſtock. It is a tacit confeſſion, elſe ſurely, he would not only have denied his aſſertion, but done it with ſome warmth and earneſtneſs upon ſo particular an occaſion.

This ſignal was the only applicable one in the book of inſtructions for the protection of the Rear-admiral, and collecting the fleet out of the confuſion they were in, into a proper diſpoſition of battle, in defence of any attack from the French, who were now almoſt at hand, and bearing down to deliver the Spaniſh Admiral.——And if Mr. Mathews had not intended this ſignal as a general one, he would have ſpread the white flag under the red, agreeable to practice, and the fighting inſtructions, and not haled it down with the ſignal

for

for the line of battle.——Beſides, by continuing the chace, Mr. Leſtock could not have reached the ſternmoſt ſhip.——Every conſideration enforced his obedience, the fireſhip's miſcarriage, the Rear-admiral's danger, who was making ſignals for his diviſion to bear down into his wake, and coming on the contrary tack to the line of battle, with the French cloſe after him. What was left for Mr. Leſtock to do but to obey, what would he have deſerved had he acted contrary to the ſignal?

The ſternmoſt ſhips did not get up, nor had not fired at the Namur, before the ſignal was made to leave off chace, when Mr. Leſtock had not ſhortened ſail, conſequently to ſay that theſe ſhips hindered the Real's falling into Mr. Mathews's hands is falſe and unjuſt. On the contrary it is certain his flight was ſo precipitate for fear of the French, that he with his diviſion formed the line of battle on the other tack (ſtarboard) leaving the Poder and the Berwick's Lieutenant and men to be taken by the French, and wearing in ſo little wind, brought him near theſe four ſternmoſt ſhips of the enemy, where he had ſix ſhips a-head of him, and the reſt of his diviſion a-ſtern, with the Rear-admiral and his diviſion; and as it cannot be alledged that more ſhips of the enemy fired than theſe four ſhips, they only exchanged ſome broadſides, as they paſſed one another, being on the contrary tack.

The recapitulation of the fifth part of the Charge and Anſwer.

The fifth part of the charge. ‘ The ſituation ‘ I was in did not permit me to ſee it was neceſſa- ‘ ry for me to have dropt a boat a-ſtern to order ‘ the ſhips between you and me to do their duty,

'but why did not you do it, who was at leiſure, 'and tell me that ſuch orders were neceſſary? &c. '&c.'

Had a boat been dropt with ſuch orders, the ſhips a-ſtern of the Marlborough muſt have certainly followed her, and engaged the enemy in earneſt within gun-ſhot. On the contrary, ſhe was left alone to fight it out herſelf.——Here was the fault, here lay the neglect; for if the Admiral had not thought himſelf powerful enough with ſo great a ſuperiority, he would have had the prudence and patience to have forborn engaging, until Mr. Leſtock had come up, and been ready at hand to ſuccour and ſupport him.—And had orders been ſent in this expreſs manner, who durſt have diſobeyed them?——Whereas the 19th article of the fighting inſtructions perhaps led theſe ſhips to ſtumble and falter, and the ſignal for the line of battle being kept abroad (when that diſcipline was forgone, by the Admiral bearing away to attack the enemy's rear, whereby our van was left expoſed to 19 ſhips of the enemy, while our rear was left a great way a-ſtern out of reach) did not leave every ſhip at liberty to do her utmoſt, but kept them in a perfect maze and conflict, and intimidated them from going to leeward of the line, if neceſſary, and running the hazard of puniſhment for breach of order and diſcipline.

As Mr. Mathews ſoon left the Marlborough in the glorious conteſt, he was in a ſituation of ſeeing what paſs'd a-ſtern of him.——He was the only perſon that could authoriſe and indemnify; he was at leiſure as much as any man; it was his duty, it was his buſineſs to look out, as he could the moſt effectually reform the ſcandalous trifling, and tame looking on of the ſhips of his diviſion, in whoſe power it was to have gone down upon the enemy: and he cannot deny that he ſent boats

boats on board of the Dorſetſhire, Eſſex, and Ann Galley fireſhip: his diviſion was near him; Mr. Leſtock was bound himſelf, and had no authority over theſe ſhips. Beſides, there is a wide difference between dropping a boat a-ſtern, and ſending one a-head to ſhips at ſuch diſtances off, as they were from him.

When Mr. Mathews ſaw him repeat the ſignal to give over chace, had he done wrong, he would have immediately corrected the miſtake, and given Mr. Leſtock authority to have acted otherwiſe. —His judgment was held in great diſeſteem by Mr. Mathews; private Captains had the preference, and by his impatience and miſconduct, it is notorious he deprived himſelf of Mr. Leſtock's aſſiſtance, and did not give him power to act any otherwiſe than he did.

Had Mr. Mathews made the ſignal for his diviſion to give chace between two and three, when the ſternmoſt ſhips of the enemy were not ſo much a-head of him, he might have forced two or three of them afore the wind; but then as things afterwards fell out, the confederate fleet would have been between him and Mr. Leſtock, and the latter would not have been in the way to have received his orders to keep cloſe to him all night.

The ſhot of the ſhips that fired at the fireſhip, did not reach her; however if they did, Mr. Leſtock is not accountable, as he did not ſhorten ſail before the ſignal was made to leave off chace, which was not done before her miſcarriage—— Neither did their ſhips get up to fire at the Admiral, till he had formed the line on the other tack, and was paſſing by them, leaving the Poder &c. as before mentioned.

The true cauſe of the fire-ſhip's miſcarriage, proceeded from her not being ordered to prime in time, to be ready for ſervice, and afterwards not

not being covered by the Dorſetſhire, Eſſex, Rupert, and Royal-Oak, ſhips ready at hand for this important ſervice—And had they been ordered down, the Real would have been not only burnt, but the ſhips a-ſtern of her would have been hindered from getting a-head to *tear Mr. Mathews to pieces.*

The great guns and the inceſſant volley of ſmall-arms that were fired at the fire-ſhip by the Real; the great launch full of men that was ſent to hinder her from boarding; the Captain's diſtreſs, unaſſiſted, and uncovered, nay even without his boat; the fatal neceſſity he was under of firing of blunderbuſſes, and his waſte guns to keep the launch off, prove that there was not one neceſſary precaution taken to ſecure the ſucceſs of this attempt; every thing being left to the fire-ſhip alone: Strange conduct! ſtrange infatuation!

FINIS.